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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/996,863 12/23/97 PHILLIPS

J 476-1471

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EXAMINER

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ART UNIT	PAPER NUMBER
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2741

DATE MAILED:

07/09/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No. <b>08/996,863</b>	Applicant(s) <b>Phillips</b>
Examiner <b>Meless Zewdu</b>	Group Art Unit <b>2741</b>



Responsive to communication(s) filed on Dec 23, 1997.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-8 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) 08/996,863.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2741

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Nounin et al., US Patent NO. (5,802,469)..

**With regard to claim 1**, Nounin teaches:

“A mobile communications network for serving a plurality of mobile terminals each capable of being coupled to the network, wherein the network incorporates means for determining for each mobile terminal accessing the network” (Col. 3, lines 30-37).

“An operating protocol employed by that terminal” (Col. 3, lines 17-29).

“Means for retrieving from a store a corresponding operating protocol whereby to provide control instructions for the network so as to enable communication with the terminal” (Col. 3, lines 7-16; Abstract, lines 1-8).

Art Unit: 2741

3. Claims 2-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Ketseoglou et al., US Patent NO. (5,732,076)..

**With regard to claim 2,**

“A mobile communications network adapted to service mobile terminals having different operating protocols” (Col. 3, lines 7-9).

“The network including a plurality of multimode base stations each capable of operating selectively in at least some of said operating protocols and each having means for interrogating a said mobile terminal so as to determine that terminals operating protocol:” (Col. 3, lines 23-27).

“A store containing sets of operating instructions one for each said protocol:” (Col. 29, lines 51-65).

“Base station control means for controlling the operation of each said base station :” (Col. 5, lines 22-25, 35-37).

“Means responsive to the determination of the operating protocol of a said mobile terminal for downloading the corresponding set of operating instructions from the store to the control means whereby to operate the base station serving that mobile terminal in a mode consistent with that operating protocol:” **Note: the time slots are functions of the systems protocol** (Col. 25, lines 35-39).

Art Unit: 2741

**With regard to claim 3,**

“A network wherein each said base station comprises a soft radio unit for providing radio communication to said terminals, operating means” (Col. 5, lines 17-22).

“Operating means, one for each said operating protocol” (Col.5, lines 35-38).

“Means for selectively enabling a said one of said operating means so as to operate the base station in conformity with that operating protocol:” (Col. 29, lines 60-65).

**With regard to claim 4,**

“A network wherein at least some of said mobile terminals have means for downloading of operating instructions from the network:” (Col. 25, lines 35-40).

**With regard to claim 5, Ketseoglou teaches:**

“A method of operating a mobile communications network so as to service a plurality of terminals each capable of being coupled to the network.” (Col. 3, lines 7-9; Col 5, lines 15-22, 40-46).

“Wherein the method includes storing a plurality of operating protocols for said terminals” **Note:**  
**the time slots are used as functions of the operating protocols** (Col. 31, lines 47-52; Col. 25, lines 61- 64).

“Determining for each terminal accessing the network an operating protocol employed by that terminal” (Col.6, lines 33-36).

Art Unit: 2741

“Retrieving from the stored protocols a corresponding operating protocol whereby to provide control instructions for the terminal” **Note: storing and retrieving protocols is inherent to this system** (Col. 6, lines 33-43).

**With regard to claim 6**, Ketseoglou teaches:

“A method wherein the operating protocol employed by a mobile terminal requesting service is determined from the frequency for radio transmission from the terminal” **Note: operating protocols for transmission of signals and data are inherently determined by the frequencies/bands the communicating devices employ** (Col. 19, lines 25-30).

**With regard to claim 7**, Ketseoglou teaches:

“A method including downloading of operating software from the network to a said terminal” (Col. 25, lines 35-40)

**With regard to claim 8**, Ketseoglou teaches:

“A method wherein a said operating protocol is determined by negotiation between the network and a said mobile terminal” (Col. 25, lines 48-60).

Art Unit: 2741

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nounin et al., US Patent NO. (5,802,469),

Ketseoglou et al., US Patent NO. (5,732,076),

Beeson, Jr. et al., US Patent NO. (5,829,179),

Harrison US Patent NO. (5,822,693),

Gourdin et al., US Patent NO. (5,913,162).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless Zewdu whose telephone number is (703)306-5418. The examiner can normally be reached on week days from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth, can be reached at (703)308-4825.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

Or faxed to:

(703)308-9051, (for formal communications intended for entry)

Art Unit: 2741

Or:

(703)305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Six Floor (Receptionist).

Any inquiry of a general nature or related to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Meless Zewdu

July 2, 1999.



**Richemond Dorvil**  
**Primary Examiner**